IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2386 OF 2007

M.M.Purohit and another. ... Petitioners.

V/s.

Commissioner of Customs
and others. ... Respondents.

WITH
WRIT PETITION NO. 2396 OF 2007

Suresh Bafna . ... Petitioner.

V/s.

Commissioner of Customs
and others. ... Respondents.

Atish D. Roy for the petitioners.

A.S.Rao with Parag Vyas for the respondents.

CORAM : DR.S.RADHAKRISHNAN
and V.C.DAGA, JJ.

DATED : 21st June 2007.

P.C. :

. Heard learned counsel for the petitioners and learned counsel for the respondents.

2. By these petitions, the petitioners are challenging encashment of bank guarantees by the respondents, contending that before the adjudication orders were passed, the bank guarantees were already encashed. From the affidavits in reply filed on

behalf of the respondents it is clear that the adjudication orders were passed as far back as on 23rd January 2003 and the bank guarantees were encashed in years 2003 and 2004 and present petitions have been filed in 2007. The petitioners have absolutely not given any explanation about the delay. In view thereof, we are not inclined to exercise our discretion in entertaining these petition under Article 226 of the Constitution of India.

3. Both the petitions, therefore, stand dismissed.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN, J.)**